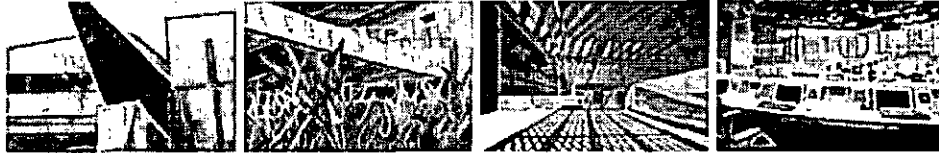


A U S T I N C I T Y C O U N C I L
AGENDA

Thursday, July 27, 2006

[Back](#) [Print](#)**Zoning and Neighborhood Plan Amendments
(Public Hearings and Possible Action)
RECOMMENDATION FOR COUNCIL ACTION****ITEM No. 130**

Subject: C14-05-0219 - Seton Southwest - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 7900 FM 1826 Road South (Williamson Creek Watershed-Barton Springs Zone) from interim rural residence (I-RR) district zoning to general office (GO) district zoning. Planning Commission Recommendation: To grant general office (GO) district zoning with conditions. Applicant: Daughters of Charity Health Services of Austin (Peter Rieck). Agent: Lopez-Phelps & Associates, L.L.P. (Amelia Lopez-Phelps). City Staff: Wendy Walsh, 974-7719.

**Additional Backup
Material**

(click to open)

[Staff Report](#)**For More Information:**

ZONING CHANGE REVIEW SHEET

CASE: C14-05-0219

P.C. DATE: April 25, 2006
May 23, 2006
July 11, 2006

ADDRESS: 7900 FM 1826 Road

OWNER & APPLICANT: Daughters of
Charity Health Services of Austin (Peter Rieck)

AGENT: Lopez-Phelps & Associates,
L.L.P. (Amelia Lopez-Phelps)

ZONING FROM: I-RR

TO: GO

AREA: 59.048 acres

SUMMARY STAFF RECOMMENDATION: The Staff recommendation is to grant general office (GO) district zoning.

The Restrictive Covenant includes all recommendations listed in the Traffic Impact Analysis memorandum, dated July 6, 2006, as provided in Attachment A.

PLANNING COMMISSION RECOMMENDATION:

April 25, 2006: *APPROVED A POSTPONEMENT REQUEST TO 05/23/06 (APPLICANT)*
[J. REDDY, K. JACKSON 2ND] (7-0) M. MOORE – NOT YET ARRIVED

May 23, 2006: *APPROVED A POSTPONEMENT REQUEST TO 07/11/06 (STAFF)*
[J. REDDY, K. JACKSON 2ND] (8-0) G. STEGEMAN – ABSENT

July 11, 2006: *APPROVED GO DISTRICT ZONING WITH CONDITIONS AS STAFF RECOMMENDED.*
[J. REDDY, D. SULLIVAN – 2ND] (8-0) G. STEGEMAN – ABSENT

ISSUES:

None at this time.

DEPARTMENT COMMENTS:

The subject platted lot is developed with a hospital services – general use and has frontages on U.S. Highway 290 and FM 1826. At this time, there is driveway access to FM 1826 and a future development phase shows driveway access to U.S. Highway 290. The property was annexed into the City limits in December 2004 and is zoned interim – rural residence (I-RR). Please refer to Exhibits A and A-1.

The Applicant proposes general office (GO) district zoning consistent with its use. Staff supports the Applicant's request given its location at the intersection of two arterial

roadways, along with the conditions established in the Traffic Impact Analysis memo provided as Attachment A.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	I-RR	Hospital services – limited
<i>North</i>	N/A	Westbound lanes of U.S. 290
<i>South</i>	N /A (County)	Manufactured home park; Lawn equipment sales; Single family residences
<i>East</i>	DR; GR; RR; SF-2; DR (proposed for LO-CO;SF-2)	Undeveloped; Single family residences within the Loma Vista Estates subdivision; One single family residence on 10 acres that is proposed for medical / professional office on 3 acres fronting FM 1826
<i>West</i>	N/A (County)	Single family residences

NEIGHBORHOOD PLANNING AREA: Oak Hill NPA **TIA:** Is required – Please refer to Attachment A
(West Oak Hill)

WATERSHED: Williamson Creek – **DESIRED DEVELOPMENT ZONE:** No
Barton Springs Zone – Contributing Zone

CAPITOL VIEW CORRIDOR: N/A **SCENIC / HILL COUNTRY ROADWAY:**
No

NEIGHBORHOOD ORGANIZATIONS:

298 – Oak Hill Association of Neighborhoods
 384 – Save Barton Creek Association 385 – Barton Springs Coalition
 428 – Barton Springs/Edwards Aquifer Conservation District
 459 – Wynnrock Area Neighborhood Association
 641 – Granada Homeowners Association 675 – Fox Run Ridge Homeowners Association
 705 – OHAN 78735 706 – OHAN 78736 707 – OHAN 78737
 708 – OHAN 78738 709 – OHAN 78739 710 – OHAN 78749
 742 – Austin Independent School District 943 – Save Our Springs Alliance
 967 – Circle C Neighborhood Association

CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-86-004 - (Sections of Shadow Ridge Crossing, including Section 12 -	I-RR to RR; SF-2; SF-3	To Grant RR; SF-2; SF-3 as requested.	Approved RR; SF-2; SF-3 (3-24-88).

north)			
C14-93-0135 (Shadow Ridge Crossing, Section 11 – to the south)	DR to SF-1	To Grant SF-1-CO. The CO limits density to 205 units (Vote: 7-0). 11/16/93	Approved PC recommendation (Vote: 7-0). 12/2/93.
C14-99-0125 (Nassour Tract – HEB #10)	SF-2 and DR to GR	Approved GR without conditions (Vote: 7-0). 1/11/00.	Approved PC recommendation (Vote: 7-0). 4/20/00
C14-02-0089 (HEB Austin No. 10)	RR to GR	Approved GR without conditions (Vote: 8-0). 6/25/02.	Approved PC recommendation (Vote: 7-0).
C14-06-0010 (8515 FM 1826)	DR to LO-CO; SF-2-CO	To Grant LO-CO for Tract 1; SF-2-CO for Tract 2	Pending

RELATED CASES:

The subject lot was annexed into the City limits on December 31, 2004. It is platted as Lot 1, Block A of the Hail Subdivision, recorded in July 1998 (C8-95-0090.1A). Please refer to Exhibit B. As shown in Exhibit C, this tract is already developed under the Seton Southwest Healthcare Center site plan approved in September 1998 (SP-98-0053D). The site plan consists of three phases with approximately 24% impervious coverage, which provides for medical office/hospital uses, along with associated parking and drainage facilities.

ABUTTING STREETS:

STREET	RIGHT-OF-WAY	PAVEMENT WIDTH	CLASSIFICATION
FM 1826	120 feet	Varies	Arterial
U.S. Highway 290 West	370 feet	Varies	Arterial

- There are no sidewalks along U.S. 290 or FM 1826.
- Capital Metro bus service is not available within ¼ mile of this property.

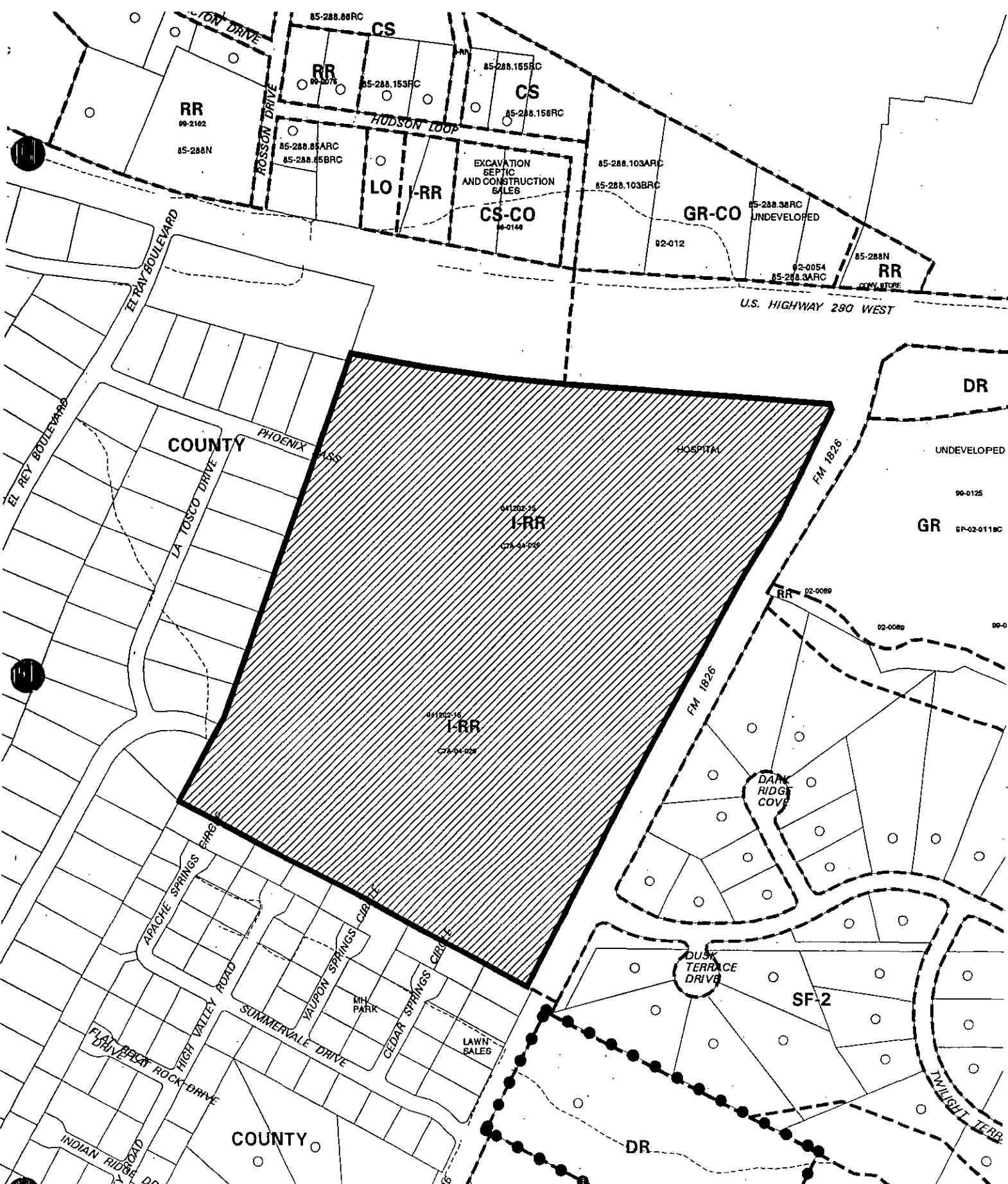
CITY COUNCIL DATE: July 27, 2006 **ACTION:**

ORDINANCE READINGS: 1st 2nd 3rd

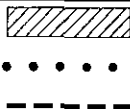
ORDINANCE NUMBER:

CASE MANAGER: Wendy Walsh
e-mail: wendy.walsh@ci.austin.tx.us

PHONE: 974-7719



SUBJECT TRACT
 PENDING CASE
 ZONING BOUNDARY
 CASE MGR: W.WALSH



CASE #: C14-05-0219
 ADDRESS: 7900 FM 1826 RD
 SUBJECT AREA (acres): 59.048

ZONING *Exhibit A*

DATE: 06-03

INTLS: SM

CITY GRID
 REFERENCE
 NUMBER

B19

1" = 400'

SF-1-CO

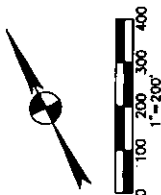
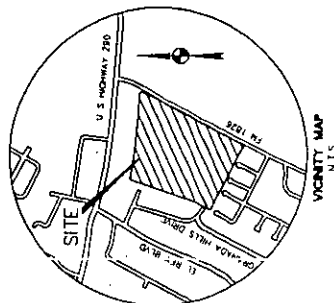
U.S. Highway 290

FM 1826

Reynolds

North

East



LEGEND

●	1/2" IRON ROD FOUND
●	CHEISELED "X" FOUND
●	IRON PIPE FOUND
○	1/2" IRON ROD SET
□	CONCRETE MOMENT SET
.	SIDEWALK
B.L.	BUILDING SET BACK LINE
[XXX]	RECORD INFORMATION VOL. 10104, PG. 088

GRANADA HILLS
SUBDIVISION
BOOK 3, PAGE 382

SPRING VALLEY
SUBDIVISION
BOOK 78, PAGE 199

LOT 1
38.077 ACRES
BLOCK "A"

BLOCK "A"
SURVEY

HASKEL
SUBDIVISION
SECTION 2

KERRY S. YOM
3.20 ACRES
VOL. 12587, PG. 399

PEDERNALES ELECTRIC COO
5' ELECTRIC EASEMENT
VOL 1053A PG. 274

NOTE: BASIS OF BEARING IS THE DEED OF RECORD TO THE DAUGHTERS OF CHARITY HEALTH SERVICES IN VOLUME 13070, PAGE 1264 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS

EXHIBIT B
RECORDED PLAT

REFERENCES

No	Delta	Radius	Arc Length	Chord Length	Chord Bearing
(C1)	07:35.5"	59.95 m	740.50	740.10	168°45'12.2"

CURVE TABLE

No.	Delta	Radius	Arc Length	Chord Length	Chord Bearing
C1	071°38'	5939.54	749.78	749.26	S40°07'18"E

MTV INVESTMENTS
LIMITED PARTNERSHIP
VOL. 11835, PG. 688

HAIL
SUBDIVISION
DATE: AUGUST, 1997
PREPARED BY:

Bury+Pittman, Inc.
Consulting Engineers and Surveyors
Austin, Texas Tel. 512/396-1000 • Austin, Texas

Copyright 1991
Approved by PNM
P11 Present No. 21

Approved by P L E Project No. 81
C8-95-0090.1A

SETON SOUTHWEST HEALTHCARE CENTER

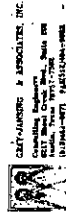
WW SER. NO. 1791
7900 F.M. 1826
AUSTIN, TEXAS 78737



LOCATION MAP
N.T.S.

LITIAL DESCRIPTION
SETON SOUTHWEST HEALTHCARE CENTER
AS SHOWN IN SITE PLAN
TRAVIS COUNTY, TEXAS

CS-98-0090-1A



GRAY-JANSING & ASSOCIATES, INC.
11113 Research Blvd., Suite 200
Austin, Texas 78759
(512) 452-8371

SUBMITTED BY:

Gray-Jansing & Associates, Inc.
11113 Research Blvd., Suite 200
Austin, Texas 78759
(512) 452-8371

APPROVED BY:

Gray-Jansing & Associates, Inc.
11113 Research Blvd., Suite 200
Austin, Texas 78759
(512) 452-8371

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SHEET INDEX

- COVER SHEET
- GENERAL NOTES
- PLAT SHEET
- OVERALL SITE PLAN
- SITE PLAN - NORTH
- SITE PLAN - SOUTH
- PHASING PLAN
- OVERALL DRAINAGE PLAN
- HYDROLOGY CALCULATIONS
- DRAINAGE PLAN - NORTH
- DRAINAGE PLAN - SOUTH
- GRADING PLAN - NORTH
- GRADING PLAN - SOUTH
- WATER & WASTEWATER PLAN - NORTH
- WATER & WASTEWATER PLAN - SOUTH
- EROSION/SEDIMENTATION CONTROL AND TRAP PROTECTION PLAN - NORTH
- EROSION/SEDIMENTATION CONTROL AND TRAP PROTECTION PLAN - SOUTH
- TREE LIST
- WATER QUALITY/IRRIGATION PLAN - NORTH
- WATER QUALITY/IRRIGATION PLAN - SOUTH
- IRRIGATION DETAILS
- WATER QUALITY POND #1 - DETAILS
- DETENTION POND #1 - DETAILS
- WATER QUALITY/DETENTION POND #2 - DETAILS
- MISCELLANEOUS DETAILS
- MISCELLANEOUS DETAILS
- MISCELLANEOUS DETAILS

SITE PLAN
FOR
SETON SOUTHWEST
HEALTHCARE CENTER
GRAY-JANSING & ASSOCIATES, INC.
JOB NO. 1995-787-63
SUBMITAL DATE 2/13/98

EXHIBIT C
APPROVED
SITE PLAN



Date: July 6, 2006
To: Wendy Walsh, Case Manager
CC: Anna Martin, P.E., WHM Transportation Engineering
Reference: Seton Southwest Hospital TIA, C14-05-0219

The Transportation Review Section has reviewed the Traffic Impact Analysis for the Seton Southwest Hospital, dated June 2006, prepared by Anna Martin of WHM Transportation Engineering and offers the following comments:

The Seton Southwest Hospital tract is a 59.048-acre development located in southwest Austin at the southwest corner of US 290 West and FM 1826.

The property is currently developed with a 71,837sf hospital and 31,888sf of medical offices and is zoned Interim Rural Residence (I-RR). The applicant has requested a zoning change to General Office (GO) for the entire tract. This project will be phased and estimated ultimate build-out of the project is expected in the year 2016.

TRIP GENERATION

Based on the standard trip generation rates established by the Institute of Transportation Engineers (ITE), the site currently generates 1,833 unadjusted average daily trips and will generate approximately 4,889 unadjusted average daily trips upon final build-out in 2016.

The table below shows the unadjusted trip generation by land use for the proposed development:

Table 1. Trip Generation				
LAND USE	Size	ADT	AM Peak	PM Peak
<i>Existing</i>				
Hospital	71,837sf	1,833*	148*	103*
Medical Offices	31,888sf			
<i>Phase 1</i>				
Hospital	39 Beds	461	44	50
Medical Offices	43,000sf	1,543	106	144
Subtotal		2,004	150	194
<i>Phase 2</i>				
Hospital	38 Beds	449	43	50
<i>Phase 3</i>				
Medical Offices	20,000sf	603	49	70
Total		4,889	390	417

*Based on existing traffic counts

Attachment A

ASSUMPTIONS

1. Background traffic volumes for 2006 included estimated traffic volumes for the following project:
 - 8515 FM 1826 C14-06-0010
2. A growth rate of 6% was assumed for all roadways within the study area.
3. No reductions were taken for pass-by, internal capture or transit use.

EXISTING AND PLANNED ROADWAYS

US 290 West – US 290 West forms the northern boundary for this site and is currently constructed as a four-lane major undivided arterial. The Austin Metropolitan Area Transportation Plan calls for US 290, east of FM 1826, to be a 6-lane toll way by 2025. Frontage road improvements are anticipated to be complete by 2009, with the main lane improvements being constructed by 2011.

FM 1826 – This roadway is currently classified as a 2-lane minor arterial and creates the eastern boundary of the subject tract. The Austin Metropolitan Area Transportation Plan calls for FM 1826 to be upgraded to a 4-lane major divided arterial by year 2025.

Slaughter Lane – Slaughter Lane is located east of the project and is currently classified as a 4-lane divided major arterial. No improvements are currently proposed for this roadway within the vicinity of the subject tract.

INTERSECTION LEVEL OF SERVICE (LOS)

The TIA analyzed 7 intersections, 1 of which is currently signalized. Existing and projected levels of service are as follows, assuming that all improvements recommended in the TIA are built:

Table 2. Intersection Level of Service								
Intersection	Existing		Phase 1		Phase 2		Phase 3	
	2006		2008 Site + Forecasted		2012 Site + Forecasted		2016 Site + Forecasted	
	AM	PM	AM	PM	AM	PM	AM	PM
FM 1826 and US 290*	C	C	D	D				
FM 1826 and US 290 Eastbound Frontage Road*					C	C	D	C
FM 1826 and US 290 Westbound Frontage Road*					D	D	D	D
FM 1826 and Slaughter Lane	B	A	C	C	C	B	D	B
FM 1826 and Driveway A	A	A	A	A	A	C	A	F
FM 1826 and Driveway B	A	A	A	A	A	A	A	C
US 290 and Driveway C			A	F	A	A	A	A

*= SIGNALIZED

RECOMMENDATIONS

- 1) Final approval from Public Works Department is required prior to 3rd reading at City Council.
- 2) The Austin Metropolitan Area Transportation Plan calls for a total of 200 feet of right-of-way for FM 1826 between US 290 and Slaughter Lane. If the requested zoning is granted, then 100 feet of right-of-way shall be reserved from the existing centerline of FM 1826 in accordance with the Transportation Plan. Dedication of additional right-of-way along FM 1826 may be required during the site plan process.
- 3) This development is subject to a Traffic Phasing Agreement which must be executed prior to 3rd reading at City Council.
- 4) Per the Traffic Phasing Agreement, Driveways A and B shall be reconstructed to provide two outbound lanes prior to completion of Phase 1.
- 5) Per the Traffic Phasing Agreement, fiscal is required to be posted prior to issuance of a building permit for the following improvements:

Intersection	Improvement	Pro Rata %
FM 1826 and Slaughter Lane	Install Traffic Signal	2.9%
	Construct Additional Southbound Left Turn lane	2.7%
	Restripe Eastern Leg to Provide Two Lanes	2.7%

- 6) To mitigate outbound left turning traffic at Driveway A and FM 1826, on-site signage shall be provided to direct traffic to US 290 via Driveway C instead of Driveway A. This signage shall be depicted on the revised site plan for this site.
- 7) The Texas Department of Transportation has approved the TIA with the following condition: Driveway C shall be designed as a right-in, right-out only driveway.
- 8) Submittal of 2 copies of the final version of the TIA is required prior to 3rd Reading at City Council.
- 9) Development of this property should be limited to uses and intensities which will not exceed or vary from the projected traffic conditions assumed in the TIA, including peak hour trip generations, traffic distribution, roadway conditions, and other traffic related characteristics.

If you have any questions or require additional information, please contact me at 974-2628.



Amy Link
Sr. Planner - Transportation Review Staff
Watershed Protection and Development Review

STAFF RECOMMENDATION:

The Staff recommendation is to grant general office (GO) district zoning.

The Restrictive Covenant includes all recommendations listed in the Traffic Impact Analysis memorandum, dated July 6, 2006, as provided in Attachment A.

BASIS FOR RECOMMENDATION*1. Zoning changes should promote an orderly and compatible relationship among land uses.*

The GO, General Office, district is intended for offices and selected commercial uses predominantly serving community or City-wide needs, such as medical or professional offices. A building in a GO district may contain more than one use.

2. Zoning changes should promote an orderly and compatible relationship among land uses.

The Applicant proposes general office (GO) district zoning consistent with its use. Staff supports the Applicant's request given its location at the intersection of two arterial roadways, along with the conditions established in the Traffic Impact Analysis memo.

EXISTING CONDITIONS**Site Characteristics**

The property is developed with a hospital services – limited use and generally slopes towards the southeast.

Impervious Cover

The maximum impervious cover allowed by the GO zoning district would be 25%, which is based on the more restrictive watershed regulations described below. The approved Site Plan shows 24% impervious cover, thus, within the watershed limits.

Environmental

This site is not located over the Edward's Aquifer Recharge Zone, but is located over the Contributing Zone of the Edwards Aquifer. The site is in the Slaughter Creek Watershed of the Colorado River Basin, which is classified as a Barton Springs Zone (BSZ) watershed. Project applications at the time of this report are subject to the SOS Ordinance which allows 25% impervious cover in the contributing zone.

According to flood plain maps, there is no flood plain within the project location.

Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

Under current watershed regulations, development or redevelopment on this site will be subject to providing structural sedimentation and filtration basins with increased capture volume and 2 year detention. Runoff from the site is required to comply with pollutant load restrictions as specified in LDC Section 25-8-514.

Transportation

A traffic impact analysis is required and has been received. Additional right-of-way, participation in roadway improvements, or limitations on development intensity may be recommended based on review of the TIA. [LDC, Sec. 25-6-142]. Comments are provided in Attachment A.

Water and Wastewater

The site is served with City of Austin water and wastewater utilities. If water or wastewater utility improvements, or offsite main extension, or system upgrades, or utility relocation, or utility adjustment are required, the landowner, at own expense, will be responsible for providing. Also, the utility plan must be reviewed and approved by the Austin Water Utility. The plan must be in accordance with the City design criteria. The water and wastewater utility construction must be inspected by the City. The landowner must pay the applicable City fees.

Site Plan

This tract is already developed under site plan, SP-98-0053D. It is for 3 phases with approximately 24% impervious coverage, which provides for medical office/hospital uses, along with associated parking and drainage facilities. Any new construction on this site would be subject to compatibility development regulations due to the SF-2 and SF-3 zoned property to the east, and would be subject to the following requirements:

The site is subject to compatibility standards. Along a portion of the east property line, the following standards apply:

- No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the SF property line.
- No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the property line.
- In addition, a fence, berm, or dense vegetation must be provided to screen adjoining properties from views of parking, mechanical equipment, storage, and refuse collection.

Additional design regulations will be enforced at the time a site plan is submitted.

In the Barton Springs Zone, no individual retail use may exceed 50,000 square feet and no food sales use may exceed 100,000 square feet. [Sec. 25-2-651] Place the following note on the site plan: "No principal retail use and its accessory uses will exceed 50,000 square feet of

gross floor area, and no principal food sales uses and its accessory uses will exceed 100,000 square feet."

PUBLIC HEARING INFORMATION

This zoning/rezoning request will be reviewed and acted upon at two public hearings: before the Land Use Commission and the City Council. Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During its public hearing, the board or commission may postpone or continue an application's hearing to a later date, or may evaluate the City staff's recommendation and public input forwarding its own recommendation to the City Council. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

During its public hearing, the City Council may grant or deny a zoning request, or rezone the land to a less intensive zoning than requested but in no case will it grant a more intensive zoning.

However, in order to allow for mixed use development, the Council may add the MIXED USE (MU) COMBINING DISTRICT to certain commercial districts. The MU Combining District simply allows residential uses in addition to those uses already allowed in the seven commercial zoning districts. As a result, the MU Combining District allows the combination of office, retail, commercial, and residential uses within a single development.

For additional information on the City of Austin's land development process, visit our website:

www.ci.austin.tx.us/development

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

Case Number: C14-05-0219

Contact: Wendy Walsh, (512) 974-7719

Public Hearing:

April 25, 2006 Planning Commission



Susan E. & Tracy C. Cooper
Your Name (please print)

5506 La Tosca Dr. Austin TX 78737
Your address(es) affected by this application

Susan E. Cooper
Signature

4.19.06
Date

Comments: *We purchased a home in Granada Hills due to the greenbelt area and country atmosphere and are not interested in looking at an office park out our front window!!!*

If you use this form to comment, it may be returned to:

City of Austin

Neighborhood Planning and Zoning Department

Wendy Walsh

P. O. Box 1088

Austin, TX 78767-8810

ORDINANCE NO. _____

1 AN ORDINANCE ESTABLISHING INITIAL PERMANENT ZONING FOR THE
2 PROPERTY LOCATED AT 7900 FM 1826 ROAD AND CHANGING THE
3 ZONING MAP FROM INTERIM RURAL RESIDENCE (I-RR) DISTRICT TO
4 GENERAL OFFICE (GO) DISTRICT.

5
6 BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

7
8 **PART 1.** The zoning map established by Section 25-2-191 of the City Code is amended to
9 change the base district from interim rural residence (I-RR) district to general office (GO)
10 district on the property described in Zoning Case No. C14-05-0219, on file at the
11 Neighborhood Planning and Zoning Department, as follows:

12
13 Lot 1, Block A, Hail Subdivision, a subdivision in the City of Austin, Travis
14 County, Texas, according to the map or plat of record in Plat Book 101, Pages 306-
15 307, of the Plat Records of Travis County, Texas (the "Property"),

16
17 locally known as 7900 FM 1826 Road, in the City of Austin, Travis County, Texas, and
18 generally identified in the map attached as Exhibit "A".

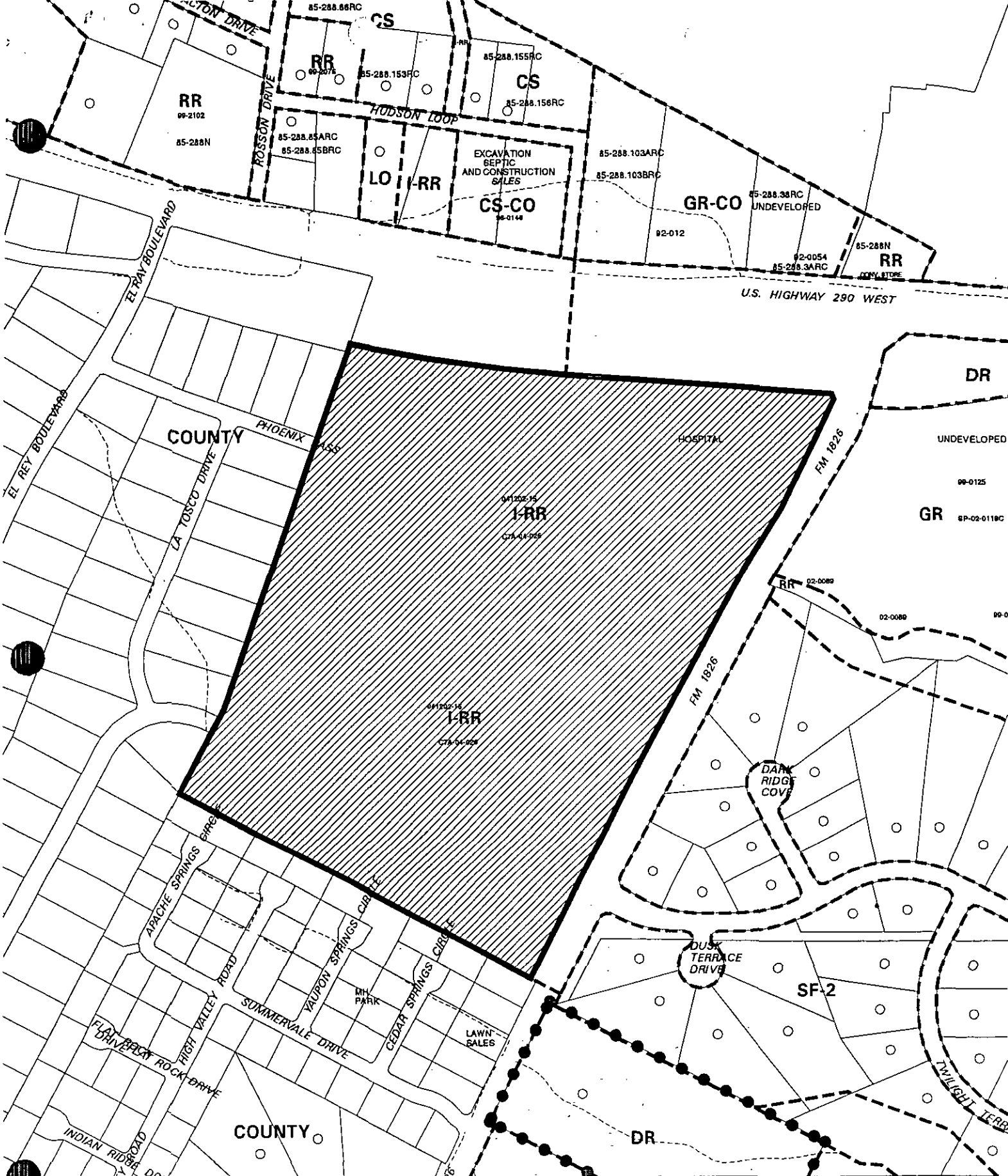
19
20 **PART 2.** This ordinance takes effect on _____, 2006.

21
22
23 **PASSED AND APPROVED**



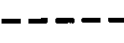
24
25 §
26 §
27 § _____, 2006

28 Will Wynn
29 Mayor

30
31
32 **APPROVED:** _____ **ATTEST:** _____
33 David Allan Smith Shirley A. Gentry
34 City Attorney City Clerk



1" = 400'

- SUBJECT TRACT 
- PENDING CASE 
- ZONING BOUNDARY 
- CASE MGR: W.WALSH

CASE #: C14-05-0219
ADDRESS: 7900 FM 1826 RD
SUBJECT AREA (acres): 59.048

ZONING EXHIBIT A

DATE: 06-03

INTLS: SM

CITY GRID
REFERENCE
NUMBER
B19

SF-1-CO

RESTRICTIVE COVENANT

OWNER: Daughters of Charity Health Services of Austin,
a Texas non-profit corporation

ADDRESS: 1300 West 34th Street, Austin, Texas 78705

CONSIDERATION: Ten and No/100 Dollars (\$10.00) and other good and valuable consideration paid by the City of Austin to the Owner, the receipt and sufficiency of which is acknowledged.

PROPERTY: Lot 1, Block A, Hail Subdivision, a subdivision in the City of Austin, Travis County, Texas, according to the map or plat of record in Plat Book 101, Pages 306-307, of the Plat Records of Travis County, Texas

WHEREAS, the Owner, whether one or more, of the Property and the City of Austin have agreed that the Property should be impressed with certain covenants and restrictions;

NOW, THEREFORE, it is declared that the Owner of the Property, for the consideration, shall hold, sell and convey the Property, subject to the following covenants and restrictions impressed upon the Property by this restrictive covenant. These covenants and restrictions shall run with the land, and shall be binding on the Owner of the Property, its heirs, successors, and assigns.

1. A site plan or building permit for the Property may not be approved, released, or issued, if the completed development or uses of the Property, considered cumulatively with all existing or previously authorized development and uses, generates traffic that exceeds the total traffic generation for the Property as specified in that certain Traffic Impact Analysis ("TIA") prepared by WHM Transportation Engineering Consultants, Inc., dated June 2006, or as amended and approved by the Director of the Watershed Protection and Development Review Department. Development on the Property is subject to the recommendations contained in the memorandum from the Transportation Review Section of the Watershed Protection and Development Review Department dated July 6, 2006. The TIA shall be kept on file at the Watershed Protection and Development Review Department.
2. If any person or entity shall violate or attempt to violate this agreement and covenant, it shall be lawful for the City of Austin to prosecute proceedings at law or in equity against such person or entity violating or attempting to violate such agreement or covenant, to prevent the person or entity from such actions, and to collect damages for such actions.
3. If any part of this agreement or covenant is declared invalid, by judgment or court order, the same shall in no way affect any of the other provisions of this agreement, and such remaining portion of this agreement shall remain in full effect.
4. If at any time the City of Austin fails to enforce this agreement, whether or not any violations of it are known, such failure shall not constitute a waiver or estoppel of the right to enforce it.

5. This agreement may be modified, amended, or terminated only by joint action of both (a) a majority of the members of the City Council of the City of Austin, and (b) by the owner(s) of the Property subject to the modification, amendment or termination at the time of such modification, amendment or termination.

EXECUTED this the _____ day of _____, 2006.

OWNER:

**Daughters of Charity Health Services of Austin,
a Texas non-profit corporation**

By: _____

Peter Rieck,
Vice President,
Network Facilities

APPROVED AS TO FORM:

Assistant City Attorney
City of Austin

THE STATE OF TEXAS §

COUNTY OF TRAVIS §

This instrument was acknowledged before me on this the ____ day of _____, 2006, by Peter Rieck, Vice President, Network Facilities, of Daughters of Charity Health Services of Austin, a Texas non-profit corporation, on behalf of the non-profit corporation.

Notary Public, State of Texas

After Recording, Please Return to:
City of Austin
Department of Law
P. O. Box 1088
Austin, Texas 78767-8828
Attention: Diana Minter, Paralegal



RETURN THIS SIGN OFF SHEET AFTER REVIEWING DOCUMENTS

TO: Wendy Walsh
Neighborhood Planning and Zoning Dept.

FAX #4-6054
TOTAL PAGES:

FROM: Diana Minter, Paralegal, 974-2341
Law Dept.; FAX 974-6490

DATE: July 12, 2006

SUBJECT: Zoning File No. C14-05-0219

SEE COMMENTS BELOW

PLEASE REVIEW THE FOLLOWING DOCUMENTS.

If revisions are necessary, let me know as soon as possible and send written revisions. If acceptable, sign and return this sheet. Zoning cases should **NOT** be put on Council agenda until you have all documents necessary and this sheet has been returned to me.

1. ORDINANCE DRAFT.
2. ORIGINAL RESTRICTIVE COVENANT (TERMINATION OR AMENDMENT).
3. ORIGINAL STREET DEED

If the document (#2 or #3) is acceptable, have the original executed by the owner of the property and notarized. When signed and acknowledged return it to me along with a check for recording fees payable to appropriate county clerk.

NOTE: ONLY THE CURRENT OWNER OF THE SUBJECT PROPERTY HAS AUTHORITY TO SIGN THESE DOCUMENTS.

Ordinance	<input checked="" type="checkbox"/> acceptable	<input type="checkbox"/> unacceptable
Restrictive Covenant	<input checked="" type="checkbox"/> acceptable	<input type="checkbox"/> unacceptable; Recording fees: \$24.00
(Termination/Amendment)	<input type="checkbox"/> acceptable	<input type="checkbox"/> unacceptable; Recording fees: \$
Street Deed	<input type="checkbox"/> acceptable	<input type="checkbox"/> unacceptable; Recording fees: \$
Legal description	<input type="checkbox"/> not accurate. (Attach/provide correct description)	
Conditions	<input type="checkbox"/> Revise as follows: Include in Comments below.	

COMMENTS:

Planner signature _____ Date _____

Thanks. DWM
Attachments

Rev. 3/06